Scott. II-27—10,002—6-9-28.

Law (General) (1928) Department.

Misc SERIES

G.O. No. 3984

DATED 22 - 11 - 1928

[Despatch Abstract.]

Court. Civil. Sub-Court. Mangalore
Additional Sub-Judge appointed
for one year from ~~the~~ 1-12-1928

C.F. 30—10,000—7-8-26.

DEPARTMENT.

Received ..... 192 *Registered* 192

Subject.

ENCLOSURES.
No. .....
.....
Spare copies .....

R.O.C. No.2103/28-D2

Station Madras *Dated the* 4th September 1928

From (Name) A.C. Happell Esquire, I.C.S.,
(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,

Copy through the Accountant-General. Law(General) Department. (with an enclosure)

Sir,

Court-Civil-South Kanara District-appointment of an Additional Sub Judge.
Reference: Your letter No.1676 Law(General) dated the 11th May 1928.

With reference to the Proceedings of the Legislative Council, dated the 20th March 1928, on the above subject, I am directed to state that the Hon'ble the Judges, after consultation with the District Judge, recommend the appointment of an Additional Sub Judge to the Sub Court, Mangalore, for a period of one year from 1-10-28.

2. On 20-7-28, there were pending on the files of both the District Court and the Sub Court of Mangalore, 143 original suits of which 69 were old and 970 appeals of which 774 were old, besides 57 Miscellaneous appeals,

263 Execution Petitions, 418 Miscellaneous Petitions and 40 Insolvency Petitions. The aggregate standard annual outturn fixed for the District Court and the Sub Court is 776 Original suits and 469 appeals. The pendency is therefore very heavy. Further, the District Judge reports that some of the petitions pending on the file of the Sub Court are of an intricate nature, and considerable time will be necessary for their disposal, and that 44 old petitions in particular are as heavy as 44 original suits. In the circumstances, the Hon'ble the Judges consider that the appointment of an Additional Sub Judge for one year is absolutely necessary. I am therefore to request that His Excellency the Governor in Council may be pleased to sanction the appointment of an additional Sub Judge to the Sub Court, Mangalore, with the usual establishment of three clerks on Rs.35-60 each per mensem and three servants on Rs.12-18 each per mensem, for a period of one year from 1-10-1928.

3. A statement is enclosed showing the work done by the District Judge and the Sub Judge, Mangalore, during 1927 and the 1st quarter of 1928. Though the District Judge's outturn in 1927 in respect of appeals was only about half the standard, his disposals of Sessions Cases exceeded the standard by 13. The Sub Judge's outturn is regarded as satisfactory.

4. The extra cost involved in the proposal during the current year may be met for the present out of the budget grant under "24 (e) (ii)-Mufassal-Civil and Sessions Courts-Pay of Officers and Establishments-Voted". Additional funds may be provided later on, if necessary, by reappropriation.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

Copy to the District Judge
of South Kanara.

SK

Statement showing Institutions, disposals and pendencies in the Subordinate Courts in South Kanara District for the year 1927 and the 4th Quarter of 1928.

	For the year 1927.														For the 4th quarter of 1928.															
	Original Suits.							Original Petitions.							Original Suits.							Original Petitions.							
	Instituted.	Disposed of.	Total pendency at the end of the year.	Pendency for more than one year at the end of the year.	Instituted.	Disposed of.	Total pendency at the end of the year.	Pendency for more than one year at the end of the year.	Instituted.	Disposed of.	Total pendency at the end of the year.	Pendency for more than one year at the end of the year.	Instituted.	Disposed of.	Total pendency at the end of the year.	Pendency for more than one year at the end of the year.	Instituted.	Disposed of.	Total pendency at the end of the year.	Pendency for more than one year at the end of the year.	Instituted.	Disposed of.	Total pendency at the end of the year.	Pendency for more than one year at the end of the year.	Instituted.	Disposed of.	Total pendency at the end of the year.	Pendency for more than one year at the end of the year.	Original Appeals pending in Sessions Courts.	Original Appeals pending in Col. Offices & Asst. Commrs. Courts.
Dh. Court.	8	2	[illegible]	-	-	-	-	-	441	156	67	365	53	89	-	1	[illegible]	-	-	-	-	-	-	-	186	24	74	470	23	6
Sub Court.	121	90	48	42	78	74	58	+	-	283	231/283	596	-	-	35	22	[illegible]	49	94	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	48	182	183/702	653	-	-

121

No. G.A.1434
Judicia

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, 14th September *192* 8.

Enclosures.
3 sheets

Forwarded.

There is no audit objection to the proposal of the High Court being sanctioned by Government.

K. Ramachandra Iyer
Assistant Accountant General.

To

The Secretary to the Government of Madras,
Law General Department.

T.R.R

Law (genl) Dept

1 cf G.No: 4424 B. From the Regr. HC
Roc No: 2103/28-D2 dt 4.9.28

1 cf Endt from the A.G. No: Gr. A.
1464 mdl dt 13.9.28

Addl. Sub judge - Mangalore

Secy

The Govt have already recognised the need for the appointment of an Addl. Sub judge at Mangalore - vide note to Go 1676 Lg 11.5.28. The question for consideration is whether it should be for one year as recommended by the High Court or for a shorter period.

(P)

1 cf On the 20th July 1928 there were pending on the files of both the Sr Court and the Sub-Court 143 original suits and 970 appeals. besides 57 miscellaneous appeals 263 Execution Petitions, 418 Miscellaneous Petitions and 40 Insolvency Petitions. The

aggregate standard annual outturn ined for the Dt Court and the sub Court is 77 original suits and 469 appeals. The pendency is thus very heavy. Further it is reported that some of the petitions pending on the file of the Sub Court are of an intricate nature and that 44 old petitions in particular are as heavy as so many orginal Suits. Even if an Addl. Sub Judge works for one full year it is doubtful whether ~~he could dispose of~~ the arrears can be cleared within that period. The High Court's proposal for the appointment of an Addl Sub Judge with the usual establishments for one year may therefore be accepted.

2. As regards provision please see para 4 of the High Court's letter. on p 2 cf. In Connection with the ~~proposal~~ proposal to appoint an Addl. District Munsiff to the District Munsiff's Court at Tirupper the ques...

* The High Court has already been informed that the appointment is not liable to be cancelled from 1-10-48

K

3

is under consideration whether a supplementary demand should be moved to meet the cost of such new appointments. This question has not been settled pending decision upon this question the case may be sent to Finance for acceptance of the High Court's proposals.

Law(Gen) No 4624/27
25-7-28

24-5-28

22-9-28

26-9-28

2965.1 2d
26-9-28

Finance (G.S.)

The proposal of the Law (Genl.) Dept. is to sanction for a period of one year the appointment of an additional Sub Judge, in the Sub. Court Mangalore with an establishment of 3 clerks on Rs.35-60 each per mensem and 3 peons on Rs. 12-18 each per mensem. The extra cost of the proposal comes to Rs. 9,492 per annum.

2. The following statement shows the state of file in the superior courts of the South

anara District during 1924-27:-

Year.	Civil side. T.L. Inst.	T.L. Dis.	T.L. Pen.	Appeals. Ins.	Appeals. Dis.	Appeals. Pen.	Small Causes. Ins.	Small Causes. Dis.	Small Causes. Pen.	Criminal Side Sessions	Criminal Side Cr Appeals
1924.	92	115	85	565	395	727	1050	1011	127	52	66
1925.	96	110	82	544	556	714	1107	1099	151	52	56
1926.	107	107	86	572	502	766	1130	1139	145	47	60
1927.	129	96	126	441	394	636	894	794	85	53	39
20th July 1928.			143			970					
Standard disposal.		77			469			823		40	52

The out-turn during 1927 shows a marked fall.

Having regard to the heavy pendency Finance may agree to the appointment of an additional Sub Judge for one year.

3. In the file regarding the appointment of an Addl. Dt. Munsif, Tiruppur, H.M. C-3 has stated that a supplemental grant should be put forward at the earliest possible occasion. Law may be requested to treat the present proposal as a Part II scheme for next year or to move for a supplementary grant to meet the cost in the current year.

SH 27.9.28

Fin

Law

This may lie over pending decision of the question whether a supplementary demand is necessary in such cases.

Thro Budget Genl

CPLS 27.9.28

G 4689 B

29.9.25

Fin's No 29653 ERI 28.9.28

K

9

Hs.

Please see copy of Hon'ble (C.S.) note at flag D'. Subtd. that the proposed Addl. Subjudge Mangalore may be sanctd. for one year from the 1. 12. 1928

A draft order is subtd

2/ Provision has to be made for this apptt. in the next year's budget. The pendency referred to at 'A' on pages 1 and 2 ante will give sufficient work to an Addl. Subjudge for about two years. It is therefore certain that the apptt. of Addl. Subjudge, Mangalore, will be continued throughout 1929-30. The Finance Dept. may be requested to make a full year's provision for this apptt. in the next year's budget.

A 11

4/4 A
Jw 15/11/28

3 The draft may go to Finance for acceptance

Law(Rev) Cell B
16.11.28.

14-11-28

14.11.28.

Jw 15/11/28

Hs 14-11-28

Finance E R

Previous Finance notes on pp 3-4 ante + the extract of the remarks at flag (W)

The draft order may be accepted and the case returned to Lawgl.

16 NOV 1928

36875

Thro B E IV.

Para: 5 of draft & Annexure

20-11-28

19.11.28

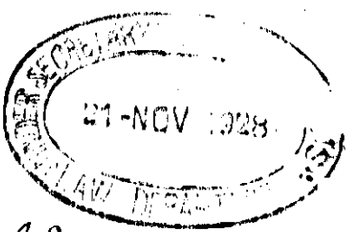
66 | 11

Finance (B&W)

A on page 5 ante

The Law (A) Dept may be requested to include the additional provision to be made in the list of alterations in the budget estimates for 1928-29 | 'J'
One with this Dept before 15.1.28. See para 49 of the Budget Manual

Law
20.11.28



Ch 5749B
22.11.28

Law (Gen) Deptt

Fin 4/0 36875/R-1
21.11.28

Ui

For orders as to issue
21 'A' above is asked. (A)

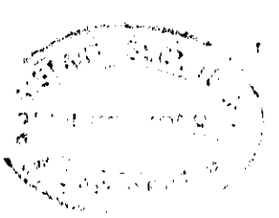
4/h
22-11-28

Issue
22-11-28

(X) Extracts taken for action separately

4/h
24/11

22-11-28



Scott. II-5 (b)—8,004—26-10-27. (6)

74/22

11

DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.	22/11	
When copied ..	22/11	
When examined ..		
When signed ..	23/11	
When despatched ..		

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ..... " ..... 192 .

READ ALSO:—

C. No. From the ....., No. ....., Dated ..... 192 .

" " ..... " " ..... " ..... 192 .

" " ..... " " ..... " ..... 192 .

ORDER.

No. 3984, dated 28/11 192 8.

F

Scott. II-27—40,004—6-11-28.

Law (General) (1929) Department.

Ms. SERIES.

G.O. No. 4215

DATED 2-11-1929

[Despatch Abstract.]

Legislative Council — Question — Mr. K.E. Kunst — Question of duty as honorary Resident Magistrate in Nauru — Papers recorded.

Extracts from the notes connected with the file relating to the appointment of an additional District Munsif to the District Munsif's Court, Tiruppur.

x x x x x x

I am not going to object to the existing procedure being followed this year provided (1) that the budget appropriation is not exceeded and (2) that an explanatory note is put up for the information of the Finance Committee. I am not going to take the responsibility of sanctioning all these changes and new proposals without that committee being informed. But, as I have said, this matter is a scandal. Every year our time is taken up in discussing these additions and changes proposed by the High Court simply because the High Court will not prepare its budget properly. The attention of the High Court should be drawn as politely as possible to the extent of the scandal and it should be pointed out that arrears which require additional courts do not accumulate suddenly in such a manner as to make it impossible for the High Court to provide in their budget proposals for all essential cases and I would inform the High Court that that must be done and that Government will not in future receive proposals for additional courts as part of the ordinary administration except as Part II schemes to be dealt with in connection with the budget of each year. I am getting tired of the way in which work accumulates because departments will not budget properly.

T.S.M.
11-11-28.

13

Connected with

Extracts from the notes from the file relating to the appointment of an additional District Munsif to the District Munsif's Court, Tiruppur.

x x x x x

I am not going to object to the existing procedure being followed this year provided (1) that the budget appropriation is not exceeded and (2) that an explanatory note is put up for the information of the Finance Committee. I am not going to take the responsibility of sanctioning all these changes and new proposals without that committee being informed. But, as I have said, this matter is a scandal. Every year our time is taken up in discussing these additions and changes proposed by the High Court simply because the High Court will not prepare its budget properly. The attention of the High Court should be drawn as politely as possible to the extent of the scandal and it should be pointed out that arrears which require additional courts do not accumulate suddenly in such a manner as to make it impossible for the High Court to provide in their budget proposals for all essential cases and I would inform the High Court that that must be done and that Government will not in future receive proposals for additional courts as part of the ordinary administration except as Part II schemes to be dealt with in connection with the budget of each year. I am getting tired of the way in which work accumulates because departments will not budget properly.

T.E.M.
11-11-28.